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6 Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 | UNITED STATES OF AMERICA,

Case No. 5:23-po-00365-CDB

12 Plaintiff,

[Citation #E1919401, CA71]

13 | v.

14 || YUAN HAOXUAN,

MOTION TO CONVERT MANDATORY APPEARANCES TO COLLATERAL

Defendant.

18 The United States of America, by and through Phillip A. Talbert, United States Attorney, and
19 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919401, CA71]
20 in Case No. 5:23-po-00365-CDB against Defendant YUAN HAOXUAN in the interests of justice.

The citation in this case was properly issued as a mandatory appearance within the discretion of the citing officer. Under the bail schedule for the Eastern District of California, “Operating a motor vehicle off road in undesignated areas,” in violation of 36 C.F.R. § 4.10(a), is an offense for which an officer is expressly authorized to issue a mandatory appearance citation or a \$750 collateral citation for the more serious of such violations (“Joyriding” vs. “Parking”).

26 Although the citation was issued properly as a mandatory citation, the United States seeks to
27 convert the citation to a collateral amount. Based on the available information, Defendant appears to
28 have taken early responsibility and learned a valuable lesson as to the alleged misconduct, having had to

1 be transported for medical treatment. The United States therefore believes a collateral amount of \$750
2 (a significant sum for misdemeanors) to be a fair outcome in the interests of justice. *See also James &*
3 *Elizabeth Console Fam. v. United States*, No. 23-CV-652-DMS-BLM, 2023 WL 6120609, at *4 (S.D.
4 Cal. Sept. 18, 2023) (“Prosecutorial discretion is defined as [a] prosecutor’s power to choose from the
5 options available in a criminal case, such as filing charges, prosecuting, not prosecuting, plea-
6 bargaining, and recommending a sentence to the court.” (internal quotation mark and citation omitted)).

7
8 DATED: December 31, 2023

Respectfully submitted,

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10 PHILLIP A. TALBERT
United States Attorney

11 By: /s/ Chan Hee Chu
12 CHAN HEE CHU
Assistant United States Attorney

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O R D E R

IT IS HEREBY ORDERED on the motion of the United States of America that [Citation #E1919401, CA71] in Case No. 5:23-po-00365-CDB against YUAN HAOXUAN be converted to a bailable citation with collateral amount of \$750 and a \$30.00 processing fee.

IT IS SO ORDERED.

Dated: **January 3, 2024**



UNITED STATES MAGISTRATE JUDGE